

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KRISTOPHER LAWSON,	:	CIVIL ACTION NO. 1:17-CV-1266
VINCENT MCCLEERY, and	:	
SEAN McMURRAN, individually	:	(Chief Judge Conner)
and on behalf of other persons	:	
similarly situated,	:	
:		
Plaintiffs	:	
:		
v.	:	
:		
LOVE'S TRAVEL STOPS &	:	
COUNTRY STORES, INC.,	:	
:		
Defendant	:	

DISCOVERY MANAGEMENT ORDER

AND NOW, this 25th day of June, 2018, upon consideration of this court's order (Doc. 68) conditionally certifying a collective action pursuant to the Fair Labor Standards Act of 1938 ("FLSA"), and further upon consideration of the parties' joint proposed discovery management plan (Doc. 127), it is hereby ORDERED that:

1. Fact discovery shall be completed by **Monday, December 3, 2018**.
2. Discovery pertaining to the 368 opt-in collective action members ("opt-ins") shall proceed as follows:
 - a. Defendant may obtain written discovery from twenty (20) randomly selected opt-ins. Random selection of these twenty (20) opt-ins shall occur on or before **Tuesday, July 10, 2018**. Any selected opt-in who fails or refuses to participate in written discovery shall be replaced by random selection forthwith. Defendant may serve ten (10) requests for production, ten (10) requests for admission, and ten (10) interrogatories on each of the twenty (20) opt-ins.

- b. Defendant may depose five (5) of the opt-ins selected pursuant to paragraph 2a. Random selection of these five (5) opt-ins shall occur on or before **Tuesday, July 10, 2018**. Any selected opt-in who fails or refuses to participate in a deposition shall be replaced by random selection forthwith. Each opt-in deposition shall not exceed four (4) hours and each opt-in may elect to participate by videoconference or appear in the nearest major city to the opt-in's residence.
 - c. Plaintiffs may depose one supervisor for each of the five (5) opt-ins deposed by defendant. These depositions shall not exceed four (4) hours and each supervisor may elect to participate by videoconference or appear in the nearest major city to the supervisor's residence.
3. Plaintiffs may depose five (5) witnesses inclusive of any witnesses noticed pursuant to Federal Rule of Civil Procedure 30(b)(6). Each deposition shall not exceed seven (7) hours. Plaintiffs may serve fifty (50) requests for production, twenty (20) requests for admission, and thirty-five (35) interrogatories.
4. The following parameters shall govern expert reports:
 - a. Expert reports shall be served sixty (60) days before the close of fact discovery. The parties may serve written discovery on and depose any expert within thirty (30) days of service of that expert's report.
 - b. Any rebuttal expert reports shall be served within thirty (30) days of the initial expert's deposition. The parties may serve written discovery on and depose rebuttal experts within thirty (30) days of service of that rebuttal expert's report.
 - c. The parties shall submit a proposed schedule for the disclosure of expert reports concerning damages and related discovery within fourteen (14) days after resolution of final FLSA certification, Rule 23 class certification, and dispositive motions.
5. Any bifurcation motions may be filed within forty-five (45) days after resolution of final FLSA certification and Rule 23 class certification.
6. The deadline to file an amended complaint to plead any state wage and hour claims pursuant to Federal Rule of Civil Procedure 23 on behalf of the opt-ins is **Friday, August 24, 2018**.

7. The parties shall file motions seeking certification or decertification of Rule 23 class or FLSA collective action on or before **Friday, February 15, 2019**. Opposition briefs shall be due thirty (30) days later and any reply briefs shall be due fourteen (14) days thereafter.
8. Dispositive motions shall be filed on or before **Friday, March 29, 2019**. Opposition briefs shall be due thirty (30) days later and any reply briefs shall be due fourteen (14) days thereafter.
9. The parties may submit by separate filing any joint proposed clawback agreement or protective order for the court's review.
10. The dates and deadlines set forth in the court's case management order (Doc. 30) dated September 21, 2017 are VACATED. All other instructions and guidelines set forth in the case management order shall remain in full force and effect except as modified herein.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania